

SENATE BILL 65
By Miller J

AN ACT to amend Tennessee Code Annotated, Title 13, Chapter 7, Part 1, relative to county zoning.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 13, Chapter 7, Part 1, is amended by adding the following as a new, appropriately designated section:

(a)

(1) Notwithstanding any provision of law to the contrary, an election on the question of whether or not there shall be county zoning in a county shall be called by the county election commission upon:

(A) The adoption of a resolution of the county legislative body requesting an election on such question; or

(B) The filing of a petition, signed by ten percent (10%) of the number of voters who voted in the county general election last preceding the filing of the petition, requesting the adoption of county zoning by the county legislative body.

(2) Any such election shall be held at the next November general election, but in no event less than ninety (90) days after the day on which such resolution was adopted or such petition was filed with the election commission.

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(b) Notice of the election shall be given as provided in Section 2-14-105, and the cost of the election shall be paid from the county general fund.

(c) The question shall be presented to the voters in the following terms:

For the adoption of county zoning in (insert county name) County by the county legislative body

Against the adoption of county zoning (insert county name) County by the county legislative body

(d) If a majority of those voting in such election votes for adoption of county zoning by the county legislative body, the planning commission for such county shall proceed to make a zoning plan for all areas of the county within its planning jurisdiction as provided in the part. Such zoning plan shall be certified to the county legislative body within one (1) year from the date of the election. If any portion of such county lies within the planning region in which a municipal planning commission has been designated as the regional planning commission, and no zoning for such portion of the county has been established by such municipality, then such municipal planning commission shall certify a zoning plan for such area to the county legislative body within one (1) year from the date of the election.

(e) Upon the certification of a zoning plan to the county legislative body, the county legislative body shall adopt zoning for the county pursuant to this part within one hundred twenty (120) days of such certification. No provision of this section shall be construed to limit the authority of the county legislative body to amend any zoning ordinance from time to time as provided by this part.

(f) Notwithstanding a majority vote against the adoption of county zoning by the county legislative body, no provision of the section shall be construed to limit the authority of the county legislative body to establish zoning in such county pursuant to any other provisions of this part.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

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